

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

|                                  |   |   |
|----------------------------------|---|---|
| <b>In re:</b>                    | § | <b>Chapter 11</b>                         |
|                                  | § |   |
| <b>900 Cesar Chavez, LLC,</b>    | § | <b>Case No. 19-11527-tmd</b>              |
|                                  | § |   |
| <b>905 Cesar Chavez, LLC,</b>    | § | <b>Case No. 19-11528-tmd</b>              |
|                                  | § |   |
| <b>5th and Red River, LLC,</b>   | § | <b>Case No. 19-11529-tmd</b>              |
|                                  | § |   |
| <b>7400 South Congress, LLC,</b> | § | <b>Case No. 19-11530-tmd</b>              |
|                                  | § |   |
| <b>Debtors.</b>                  | § | <b><i>(Jointly Administered Under</i></b> |
|                                  | § | <b><i>Case No. 19-11527-tmd)</i></b>      |

**INDEX OF EXHIBITS**  
**IN CONNECTION WITH MOTION OF ATX LENDER 5, LLC FOR RELIEF FROM**  
**THE AUTOMATIC STAY FOR CAUSE UNDER 11 U.S.C. § 362(d)(1) WITH RESPECT**  
**TO NON-RESIDENTIAL REAL PROPERTY [WITH WAIVER OF**  
**30-DAY HEARING REQUIREMENT UNDER 11 U.S.C. § 362(e)]**

| Exhibits | DESCRIPTION   | PAGE               |
|----------|---|--------------------|
| 1        | <i>\$22,932,250 Promissory Note</i> , dated September 21, 2018, in favor of U.S. Real Estate Credit Holdings III-A, LP (“ <u>Original Lender</u> ”)   | 3, 13              |
| 2        | <i>Loan Agreement</i> , dated September 21, 2018, between the Original Lender and the Debtors   | 3, 5, 12           |
| 3        | <i>Borrower’s Statement</i> , dated September 21, 2018, between the Original Lender and the Debtors   | 3                  |
| 4        | <i>Deed of Trust, Security Agreement, and Financing Statement</i> , dated September 21, 2018, in favor of the Original Lender   | 4                  |
| 5        | <i>Assignment of Leases and Rents</i> , dated September 21, 2018, in favor of the Original Lender   | 4                  |
| 6        | <i>Assignment and Assumption of Loan Interest</i> , dated December 13, 2018 between the Original Lender and U.S. Real Estate Credit Holdings III, LP (“ <u>Original Lender Affiliate</u> ”)   | 4-5                |
| 7        | <i>Allonge</i> , dated September 24, 2019, in favor of Original Lender Affiliate  | 5                  |
| 8        | <i>Assignment of Deed of Trust, Security Agreement and Financing Statement</i> , dated December 13, 2018, between Original Lender and Original Lender Affiliate   | 5                  |
| 9        | <i>Assignment of Assignment of Leases and Rents</i> , dated December 13, 2018, between Original Lender and Original Lender Affiliate  | 5                  |
| 10       | <i>Declaration of John A. Kiltz in Support of Motion of ATX Lender 5, LLC for Relief from the Automatic Stay for Cause Under 11 U.S.C. § 362(d)(1) With Respect to Non-Residential Real Property [With Waiver of 30-Day Hearing Requirement Under 11 U.S.C. § 362(e)]</i> dated November 15, 2019 | 5, 6, 7, 8, 12, 13 |

| Exhibits  | DESCRIPTION   | PAGE  |
|-----------|---|-------|
| <b>11</b> | <i>September 23, 2019</i> email from Mr. Nate Paul  | 6     |
| <b>12</b> | <i>Loan Purchase and Sale Agreement</i> , dated September 20, 2019, between the Original Lender Affiliate and ATX Lender 5, LLC (“ <u>ATX</u> ”)  | 6     |
| <b>13</b> | <i>Assignment and Assumption Agreement</i> , dated September 24, 2019, between the Original Lender Affiliate and ATX  | 6     |
| <b>14</b> | <i>Allonge</i> , dated September 21, 2018, in favor of ATX  | 6     |
| <b>15</b> | <i>Assignment of Mortgage/Deed of Trust and Assignment of Leases and Rents</i> , dated September 24, 2019, between Original Lender Affiliate and ATX  | 6     |
| <b>16</b> | <i>Notice of Substitute Trustee’s Sale on November 5, 2019</i> , dated October 10, 2019   | 7, 15 |
| <b>17</b> | <i>Order Denying Temporary Restraining Order</i> , dated November 1, 2019, in the case styled <i>900 Cesar Chavez, LLC, 905 Cesar Chavez, LLC, 5th and Red River, LLC, and 7400 South Congress, LLC v. ATX Lender 5, LLC</i> , Cause No. D-1-GN-19-007562 | 7     |
| <b>18</b> | <i>Chapter 11 Petitions</i> for 900 Cesar Chavez, LLC, 905 Cesar Chavez, LLC, 5th and Red River, LLC, and 7400 South Congress dated November 4, 2019  | 14    |